



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG 10 2017

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Debbie Hays
Metal Management Midwest, Inc.
(d/b/a SIMS Metal Management)
2500 South Paulina Street.
Chicago, Illinois 60608

Re: Notice of Violation
Metal Management Midwest, Inc. (d/b/a SIMS Metal Management)
Chicago, Illinois

Dear Ms. Hays:

The U.S. Environmental Protection Agency (EPA) is issuing the enclosed Notice of Violation (NOV) to Metal Management Midwest, Inc. (d/b/a SIMS Metal Management) (you) under Section 113(a)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(1). We find that you are violating and have violated the Illinois State Implementation Plan at your Paulina Facility in Chicago, Illinois.

Section 113 of the CAA gives the EPA several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Ms. Nidhi O'Meara from the Office of Regional Counsel. You may call her at (312) 886-0568 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Nam", written in a cursive style.

Edward Nam
Director
Air and Radiation Division

Enclosure

cc: Yasmine Keppner-Bauman, Acting Manager, Compliance Section, Bureau of Air

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Metal Management Midwest, Inc.
d/b/a SIMS Metal Management
Chicago, Illinois

Proceedings Pursuant to
Section 113(a)(1) of the
Clean Air Act, 42 U.S.C.
§ 7413(a)(1)

NOTICE OF VIOLATION

EPA-5-17-IL-09

NOTICE OF VIOLATION

The U.S. Environmental Protection Agency (EPA) is issuing this Notice of Violation (NOV) under Section 113(a)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(1). EPA finds that Metal Management Midwest, Inc. d/b/a SIMS Metal Management (SIMS) is violating the Illinois State Implementation Plan (SIP), as follows:

Statutory and Regulatory Background

1. Section 110 of the CAA, 42 U.S.C. § 7410, requires each state to adopt and submit to EPA for approval a SIP that provides for the implementation, maintenance, and enforcement of the National Ambient Air Quality Standards (NAAQS).
2. The administrator of the EPA approved Illinois' plan for the attainment and maintenance of the NAAQS under Section 110 of the CAA. See 40 C.F.R. § 52.722 and 55 Fed. Reg. 40661 (October 4, 1990).
3. On May 31, 1972, EPA approved Part 201.122 of Title 35 of the Illinois Administrative Code (IAC) as part of the federally enforceable Illinois SIP. 37 Fed. Reg. 10862.
4. 35 IAC § 201.122 states that evidence that specified air contaminant emissions, as calculated on the basis of standard emission factors or other factors generally accepted as true by those persons engaged in the field of air pollution control, exceed the limitations prescribed under 35 IAC, Chapter 1, shall constitute adequate proof of a violation, in the absence of a showing that actual emissions are in compliance.
5. On September 9, 1994, EPA approved Part 211 of the IAC as part of the federally enforceable Illinois SIP. 59 Fed. Reg. 46567.
6. 35 IAC § 211.3690 defines "maximum theoretical emissions" as the quantity of volatile organic material emissions that theoretically could be emitted by a stationary source before add-on controls based on the design capacity or maximum production capacity of the source and 8760 hours per year.

7. 35 IAC § 211.4970 defines “potential to emit” as the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design.
8. On February 21, 1980, EPA approved Part 212 of the IAC as part of the federally enforceable Illinois SIP. 45 Fed. Reg. 11493.
9. 35 IAC § 212.301 states that no person shall cause or allow the emission of fugitive particulate matter from any process, including any material handling or storage activity, that is visible by an observer looking generally toward the zenith at a point beyond the property line of the emission source.
10. On March 12, 1997, EPA approved 35 IAC § 218.980, as part of the federally enforceable SIP. 62 Fed. Reg. 11327.
11. 35 IAC § 218.980(a)(1) states that a source is subject to 35 IAC Part 218, Subpart TT, if it contains process emission units not regulated by the Subparts identified in 35 IAC § 218.980(a)(1), which as a group have a maximum theoretical emissions of 100 tons or more per calendar year of volatile organic matter (VOM) and are not limited to less than 100 ton of VOM emissions per calendar year in the absence of air pollution control equipment through production or capacity limitations contained in a federally enforceable permit or SIP revision.
12. 35 IAC § 218.980(b)(1) states, in pertinent part, that a source is subject to 35 IAC Part 218, Subpart TT, if it has the potential to emit 25 tons or more of VOM per year, in aggregate, from emission units, that are not regulated by the Subparts identified in 35 IAC § 218.980(b)(1)(A) and not included in the categories listed in 35 IAC § 218.980(b)(1)(B).
13. On October 21, 1996, EPA approved 35 IAC §§ 218.986 and 987, as part of the federally enforceable SIP. 61 Fed. Reg. 54556.
14. 35 Ill. Admin Code § 218.986 states that every owner or operator of an emission unit subject to 35 IAC Part 218, Subpart TT shall comply with 35 Ill. Admin Code § 218.986(a) and (c).
15. 35 Ill. Admin Code § 218.986(a) requires every owner or operator to operate emission capture and control equipment which achieves an overall reduction in uncontrolled VOM emissions of at least 81 percent from each emission unit.
16. Alternatively, 35 Ill. Admin Code § 218.986(c) requires every owner or operator to have in place an alternative control plan which has been approved by the State and EPA in a federally enforceable permit or as a SIP revision.
17. 35 Ill Admin Code § 218.987 requires every owner or operator of an emission unit which is subject to 35 IAC Part 218, Subpart TT to comply with the requirements of 35 IAC Part 218, Subpart TT, by March 25, 1995.

Findings

18. SIMS owns and operates a metal shredding and recycling facility at 2500 South Paulina Street Chicago, Illinois (Paulina Facility).
19. SIMS stores, processes, and recycles ferrous and non-ferrous scrap metals from cars, post-consumer sheet metal and metal clips received directly from manufacturers at the Paulina Facility.
20. Scrap metal is shredded in a hammermill shredder at the Paulina Facility.
21. During an EPA off site surveillance of the Paulina Facility conducted on September 7, 2016, EPA observed fugitive particulate matter emitted from the hammermill shredder crossing the property line.
22. On or about December 2, 2016, EPA conducted an onsite inspection at the Paulina Facility.
23. During the December 2, 2016 inspection, EPA observed and recorded hydrocarbons exiting the hammermill shredder with a FLIR infrared camera.
24. On or about December 2, 2016, EPA again observed fugitive particulate matter emitted from the hammermill shredder crossing the property line of the Paulina Facility.
25. On or about February 24, 2017, EPA issued a Section 114 Information Request (2017 Information Request) to SIMS regarding the Paulina Facility.
26. On or about March 31, 2017, SIMS provided a response to the 2017 Information Request.
27. Based on the March 31, 2017 response provided by SIMS, the hammermill shredder at the Paulina Facility has maximum theoretical emissions rate of more than 100 tons per calendar year of VOM.
28. Based on the March 31, 2017 response provided by SIMS, the hammermill shredder alone has the potential to emit 25 tons or more of VOM per year.
29. To date, SIMS does not have any emission capture or control equipment that achieves an overall reduction of uncontrolled VOM emissions of at least 81 percent at the hammermill shredder nor does it have in place a federally enforceable alternative control plan that achieves an overall reduction of uncontrolled VOM emissions of at least 81 percent at the hammermill shredder.

Violations

30. SIMS allowed fugitive particulate matter from the hammermill shredder that was visible by an observer looking generally toward the zenith to cross the property line

of the Paulina Facility on at least September 7, 2016 and December 2, 2016, in violation of 35 IAC § 212.301.

31. To date, SIMS has failed to install any emission capture or control equipment that achieves an overall reduction of uncontrolled VOM emissions of at least of 81 percent at the hammermill shredder or alternatively, obtain a federally enforceable equivalent control plan at the hammermill shredder, in violation of 35 IAC §§ 218.986(a) or (c).

Environmental Impact of Violations

32. These violations can cause and have caused excess emissions of VOMs and particulate matter.
33. VOMs are photochemical oxidants associated with a number of detrimental health effects, which include birth defects and cancer, as well as environmental and ecological effects. In the presence of sunlight, VOMs are influenced by a variety of meteorological conditions and have the ability to create photochemical smog. VOMs react with oxygen in the air to produce ground-level ozone.
34. Breathing ozone contributes to a variety of health problems including chest pain, coughing, throat irritation, and congestion. It can worsen bronchitis, emphysema, and asthma. Ground-level ozone also can reduce lung function and inflame lung tissue. Repeated exposure may permanently scar lung tissue.
35. Particulate matter, especially fine particulates, contains microscopic solids or liquid droplets, which can get deep into the lungs and cause serious health problems. Particulate matter exposure contributes to:
- irritation of the airways, coughing, and difficulty breathing;
 - decreased lung function;
 - aggravated asthma;
 - chronic bronchitis;
 - irregular heartbeat;
 - nonfatal heart attacks; and
 - premature death in people with heart or lung disease.

8/10/17

Date



Edward Nam

Director

Air and Radiation Division

CERTIFICATE OF MAILING

I certify that I sent a Notice of Violation, No. EPA-5-17-IL-09, by Certified Mail, Return

Receipt Requested, to:

Debbie Hays
Central Region SHEC Director
Metal Management Midwest, Inc.
d/b/a SIMS Metal Management
2500 South Paulina Street
Chicago, IL 60608

I also certify that I sent copies of the Notice of Violation by email to:

Yasmine Keppner-Bauman,
Acting Manager, Compliance Section
Bureau of Air
Yasmine.Keppner-Bauman@Illinois.gov

On the 11 day of August 2017.



Kathy Jones
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7016 1370 0001 5719 9421